

**REMARKS**

This paper is being filed in response to "NOTICE OF NON-COMPLIANT AMENDMENT" mailed October 30, 2007. In the "NOTICE OF NON-COMPLIANT AMENDMENT" mailed October 30, 2007, the Examiner stated that the Office Action dated February 28, 2007 was non-compliant because it failed to list Claims 1 to 44. Applicants respectfully submit the Claims 1 to 44 were cancelled in the preliminary amendment dated March 8, 2004 and therefore Claims 1 to 44 were not pending in the present CONTINUATION application. However, to meet the request of the Examiner, in the following re-submission of the Office Action dated February 28, 2007, previously cancelled Claims 1 to 44 are individually displayed along with their status as cancelled claims.

Claims 45 to 61 and 68 to 86 were pending in the application at the time of examination.

The Examiner rejected Claims 45 to 61 and 68 to 86 under the judicially created doctrine of obviousness-type double patenting over Claims 1 to 44 of U.S. Patent 6,728,738. Applicants include herewith a "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent Including Statement Under 37 CFR 3.73(b)". Consequently, Claims 45 to 61 and 68 to 86 remain in the Application.

**REJECTION OF CLAIMS 45 TO 61 AND 68 TO 86 UNDER THE JUDICAILLY CREATED DOCTRINE OF OBVIOUNESS-TYPE DOUBLE PATENTING**

The Examiner rejected Claims 45 to 61 and 68 to 86 under the judicially created doctrine of obviousness-type double patenting over Claims 1 to 44 of U.S. Patent 6,728,738.

Applicants include herewith a "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent Including Statement Under 37 CFR 3.73(b)".

In light of the submitted "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent Including Statement Under 37 CFR 3.73(b)", Applicants respectfully request the Examiner withdraw the rejection of 45 to 61 and 68 to 86 under the judicially created doctrine of obviousness-type double patenting over Claims 1 to 44 of U.S. Patent 6,728,738.

In addition, Applicants note that the only rejection cited against Claims 45 to 61 and 68 to 86 was the rejection based on the judicially created doctrine of obviousness-type double patenting over Claims 1 to 44 of U.S. Patent 6,728,738. Consequently, in light of the submitted "Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent Including Statement Under 37 CFR 3.73(b)", Applicants respectfully request the Examiner allow Claims 45 to 61 and 68 to 86 to issue.

#### CONCLUSION

For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

#### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 29, 2007.



Attorney for Applicants

November 29, 2007  
Date of Signature

Respectfully submitted,



Philip McKay  
Attorney for Applicants  
Reg. No. 38,966  
Tel.: (831) 655-0880